

**REMARKS**

The Examiner rejected claims 5, 16 and 23 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement.

The Examiner rejected claims 10 and 21 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner rejected claims 1, 3, 7-9, 12-14 and 18-20 under 35 U.S.C. §102(b) as allegedly being anticipated by US Pat No 6,000,000 issued to Hawkins et al. (hereafter Hawkins '000), as best examiner is able to ascertain.

The Examiner rejected claims 2, 4, 6, 11, 15, 17 and 22 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hawkins '000.

Applicants respectfully traverse the §112, §102 and §103 rejections with the following arguments.

**35 U.S.C. §112, First Paragraph: Claims 5 and 16**

The Examiner rejected claims 5, 16 and 23 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement.

The Examiner alleges: "Claim 5 and 16 recite "wherein executing a first task on the first approved control document includes indirectly calling a second agent by the first agent and executing the first task by the second agent." The specification does not enable one of ordinary skill in the art to make and use the invention because the specification does not describe how to make an indirect call."

In response, Applicants refer to page 6, lines 3-9 of the specification, which recites: "Processing a task by a first agent means causes the task to be executed by the first agent or by a second agent that is directly or **indirectly** called by the first agent. As an example, if a first agent calls a second agent, then the first agent has directly called the second agent. As another example, if a first agent calls a second agent and the second agent calls a third agent, then the first agent has **indirectly** called the third agent. Generally, an agent  $A_1$  indirectly calls an agent  $A_M$  if agent  $A_1$  calls agent  $A_2$ , agent  $A_2$  calls agent  $A_3$ , ..., and agent  $A_{M-1}$  calls agent  $A_M$ , wherein  $M \geq 3$ . An agent A is said to "call" an agent B if the agent A initiates execution of the software code of the agent B" (emphasis added).

In addition, Applicants illustrate the indirect calling of an agent in FIG. 4 and the description thereof on page 8, lines 16-18 of the specification, which recites: "Agent  $A_1$  calls agent  $A_2$ , agent  $A_2$  calls agent  $A_3$ , and agent  $A_3$  executes the task  $T_3$  which updates databases  $D_1$ , and which illustrates agent  $A_1$  directly calling agent  $A_3$  and **indirectly** calling agent  $A_4$ ." (emphasis added).

Based on the preceding arguments, Applicants respectfully contend that the rejection of claims 5 and 16 under 35 U.S.C. §112, first paragraph is improper and should be withdrawn.

**35 U.S.C. §112, First Paragraph: Claim 23**

The Examiner rejected claims 5 and 16 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement.

The Examiner alleges: "Claim 23 recites a computer usable medium having a computer readable code embodied therein, said computer readable code including an agent adapted to process an approved control document on a dynamically changing list of control documents." The specification does not describe how an agent is, (i) included in a computer readable code, and (ii) adapted to process an approved document."

In response to the issue of computer readable code, Applicants note that an agent is computer executable code by definition. See specification, page 3, lines 14-15 which recites: "An "agent" is a computer executable program or software that functions as a background process within the operating system environment". Applicants further contend that computer executable code is inherently computer readable, since a computer cannot execute code that it cannot read.

In response to the issue of how an agent is adapted to process an approved document, Applicants refer to page 5, line 19 - page 6, line 3 of the specification, which recites: "An agent that processes a control document processes some or all of the tasks that exist on the control document, by executing tasks and/or by calling one or more other agents to execute some or all of the tasks. Inasmuch as a task comprises updating the database structure, "executing " a task comprises executing code that actually updates the database structure. Processing a task by a first agent means causes the task to be executed by the first agent or by a second agent that is directly or indirectly called by the first agent."

Applicants additionally refer to page 6, lines- 14-17, line 3 of the specification, which recites: "When an agent finds an approved control document, the agent processes the control document, which includes executing at least one task on the approved control document. Executing a task on the approved control document includes updating the database structure as discussed *infra* in conjunction with FIG. 3."

Based on the preceding arguments, Applicants respectfully contend that the rejection of claim 23 under 35 U.S.C. § 112, first paragraph is improper and should be withdrawn.

**35 U.S.C. §112, Second Paragraph**

The Examiner rejected claims 10 and 21 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner alleges: "Claims 10 and 21 contain the trademark/trade name Lotus, Lotus Domino and Lotus Notes. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a database structure and, accordingly, the identification/description is indefinite."

In response, Applicants have amended the specification and claims 10 and 21 to clarify the invention.

35 U.S.C. §102(b)

The Examiner rejected claims 1, 3, 7-9, 12-14 and 18-20 under 35 U.S.C. §102(b) as allegedly being anticipated by US Pat No 6,000,000 issued to Hawkins et al. (hereafter Hawkins '000), as best examiner is able to ascertain.

Applicants respectfully contend that Hawkins does not anticipate claims 1 and 12, because Hawkins does not teach each and every feature of claims 1 and 12. For example, Hawkins does not teach "a dynamically changing list of control documents" (emphasis added).

The Examiner argues: "Hawkins '000 discloses a method for updating a database structure, comprising: generating a dynamically changing list of control documents [sync registry item 430 per Fig 4 and col 5, line 54 through col 6, line 3]".

In response to the preceding argument by the Examiner, Applicants respectfully contend that the only list mentioned in col. 5, line 54 - col. 6, line 3 of Hawkins is a list of conduit libraries. However, a list of conduit libraries is not a list of control documents. A conduit library is computer code (see Hawkins, col. 5, lines 41-43) and not a control document. A control document is defined on page 3, lines 10-11 of Applicants' specification which recites: "A 'control document' is a document that comprises a list of tasks to be performed by an 'agent'". Since a conduit library (which is computer code) is not a list of tasks to be performed by an agent, Applicants maintain that the list of conduit libraries disclosed by Hawkins is not a list of control documents, as required by claims 1 and 12.

Since the Examiner has not identified a list of control documents in Hawkins, and since the remaining features of claims 1 and 12 involve "a first approved control document on the list",

the Examiner's remaining arguments relating to claims 1 and 12 make no sense and cannot be evaluated by Applicants.

Applicants respectfully request that the Examiner clearly identify **specific language** in Hawkins that allegedly teaches or suggests the features of claim 1 and 12, with particular attention paid to: "list of control documents", "first agent", "first approved control document on the list". Applicants are requesting that the Examiner be very specific in identifying each of the preceding features in claim 1 and 12 in Hawkins, so that Applicants can reasonably comprehend the Examiner's argument. Applicants note that the terms "control document" and "agent" are precisely defined on page 1 of Applicants' specification, and the claims of the present invention are carefully constructed in accordance with said definitions of "control document" and "agent".

Based on the Applicants' preceding arguments, Applicants respectfully maintain that Hawkins does not anticipate claims 1 and 12, and that claims 1 and 12 are in condition for allowance. Since claims 2-11 depend from claim 1, Applicants contend that claims 3 and 7-9 are likewise in condition for allowance. Since claims 13-22 depend from claim 12, Applicants contend that claims 13-22 are likewise in condition for allowance.



35 U.S.C. §103(a)

The Examiner rejected claims 2, 4, 6, 11, 15, 17 and 22 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hawkins '000.

Since claims 2, 4, 6, and 11 depend from claim 1, which Applicants have argued *supra* to be patentable under 35 U.S.C. §102(b), Applicants maintain that claims 2, 4, 6, and 11 are not unpatentable under 35 U.S.C. §103(a).

Since claims 15, 17 and 22 depend from claim 12, which Applicants have argued *supra* to be patentable under 35 U.S.C. §102(b), Applicants maintain that claims 15, 17 and 22 are not unpatentable under 35 U.S.C. §103(a).

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below.

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